

of Commerce may each utilize by agreement, with or without reimbursement, the personnel, services and facilities of any other Federal or State agency to the extent he deems it necessary and appropriate for effective enforcement of any Federal or State laws on lands, waters, or interests therein under his jurisdiction which are administered or managed for fish and wildlife purposes and for enforcement of any laws administered by him relating to fish and wildlife. Persons so designated by either Secretary, who are not employees of another Federal agency—

(1) shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, competitive examination, rates of compensation, and Federal employee benefits, but may be considered eligible for compensation for work injuries under subchapter III of chapter 81 of title 5;

(2) shall be considered to be investigative or law enforcement officers of the United States for the purposes of the tort claim provisions of title 28;

(3) may, to the extent specified by either Secretary, search, seize, arrest, and exercise any other law enforcement functions or authorities under Federal laws relating to fish and wildlife, where such authorities are made applicable by this or any other law to employees, officers, or other persons designated or employed by either Secretary; and

(4) shall be considered to be officers or employees of the Department of the Interior or the Department of Commerce, as the case may be, within the meaning of sections 111 and 1114 of title 18.

(c) Disposal of abandoned or forfeited property

Notwithstanding any other provision of law, all fish, wildlife, plants, or any other items abandoned or forfeited to the United States under any laws administered by the Secretary of the Interior or the Secretary of Commerce relating to fish, wildlife, or plants, shall be disposed of by either Secretary in such a manner as he deems appropriate (including, but not limited to, loan, gift, sale, or destruction).

(d) Disclaimer

Nothing in this section shall be construed to invalidate any law enforcement agreement or delegation made by the Secretary of the Interior or the Secretary of Commerce with respect to fish and wildlife matters prior to November 8, 1978.

(e) to (j) Omitted

(k) Law enforcement operations

With respect to any undercover or other enforcement operation which is necessary for the detection and prosecution of violations of any laws administered by the United States Fish and Wildlife Service or the National Marine Fisheries Service relating to fish, wildlife, or plants, the Secretary of the Interior or the Secretary of Commerce may, notwithstanding any other provision of law—

(1) direct the advance of funds which may be deposited in commercial banks or other financial institutions;

(2) use appropriations for payment for information, rewards, or evidence concerning violations, without reference to any rewards to which such persons may otherwise be entitled by law, and any moneys subsequently recovered shall be reimbursed to the current appropriation; and

(3) use appropriations to establish or acquire proprietary corporations or business entities as part of an undercover operation, operate such corporations or business entities on a commercial basis, lease space and make other necessary expenditures, and use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations: *Provided*, That at the conclusion of each such operation the proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95-616, §3 (less (e)-(j)), Nov. 8, 1978, 92 Stat. 3110; Pub. L. 97-396, §7, Dec. 31, 1982, 96 Stat. 2006.)

REFERENCES IN TEXT

The tort claim provisions of title 28, referred to in subsec. (b)(2), are the provisions of the Federal Tort Claims Act, which is classified generally to section 1346(b) and to chapter 171 (§2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

This section, referred to in subsec. (d), means section 3 of Pub. L. 95-616, which in addition to enacting this section, enacted section 712 of this title and amended sections 460k-3, 668dd, 690e, 706, and 718f of this title and sections 1114 and 3112 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section is comprised of subsecs. (a) to (d) and (k) of section 3 of Pub. L. 95-616, as amended. For classification of subsecs. (e) through (j) of section 3, see References in Text note above and Tables.

AMENDMENTS

1982—Subsec. (k). Pub. L. 97-396 added subsec. (k).

§ 742m. Relinquishment of exclusive legislative jurisdiction

Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, the exclusive legislative jurisdiction of the United States over all or part of any United States Fish and Wildlife Service lands or interests therein, including but not limited to National Wildlife Refuge System and National Fish Hatchery System lands, in that State, Commonwealth, territory, or possession. Relinquishment of exclusive legislative jurisdiction under this subsection may be accomplished (1) by filing with the Governor (or, if none, the chief executive officer) of the State, Commonwealth, territory, or possession concerned, a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(Pub. L. 100-653, title IX, §901, Nov. 14, 1988, 102 Stat. 3834.)

§ 743. Repealed. Pub. L. 93-280, § 1(2), May 10, 1974, 88 Stat. 123

Section, act Mar. 3, 1885, ch. 360, § 1(1), 23 Stat. 494, renumbered by Pub. L. 93-280, § 1(1), May 10, 1974, 88 Stat. 123, was part of a paragraph entitled: "Propagation of Food Fishes" in the Sundry Civil Expenses Appropriation Act, 1886. It authorized the Secretary of the Treasury to detail Coast Guard personnel to the Fish and Wildlife Services for duty. See section 743a of this title.

§ 743a. Detail of personnel and loan of equipment to Director of Bureau of Sport Fisheries and Wildlife

(a) "Agency" defined

As used in this section, the term "agency" means the department in which the Coast Guard is operating, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

(b) Personnel and equipment available

The chief executive officer of each agency may from time to time—

(i) detail from the agency for duty under the Director of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, such commissioned and enlisted personnel and civilian employees as may be spared for such duty; and

(ii) consonant with the operational needs of the agency, loan equipment of the agency to the Director.

(c) Reports to Congress

The Director of the United States Fish and Wildlife Service shall make a report to Congress at the end of any fiscal year that the provisions of this section are utilized, which describes the use of the provisions of this section, and the additional cost, if any, to the Federal Government resulting therefrom. Such report shall be referred in the Senate to the Committee on Commerce, Science, and Transportation and in the House of Representatives to the Committee on Merchant Marine and Fisheries.

(Mar. 3, 1885, ch. 360, § 1(2), as added May 10, 1974, Pub. L. 93-280, § 1(3), 88 Stat. 123; amended Oct. 19, 1980, Pub. L. 96-470, title II, § 206(a), 94 Stat. 2244; Nov. 2, 1994, Pub. L. 103-437, § 6(t), 108 Stat. 4587.)

REFERENCES IN TEXT

The Bureau of Sport Fisheries and Wildlife, referred to in subsec. (b), was replaced and succeeded by the United States Fish and Wildlife Service. See section 742b(c) of this title.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted "Committee on Commerce, Science, and Transportation" for "Committee on Commerce".

1980—Subsec. (c). Pub. L. 96-470 substituted provision requiring that a report to Congress be made at the end of any fiscal year that provisions of this section are utilized for provision requiring an annual report to Congress be made on utilization of the provisions of this section and struck out "annual" before "report shall be".

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The

Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction given primarily to Committee on Transportation and Infrastructure of House of Representatives, and remainder of jurisdiction given to Committees on National Security and on Resources of House of Representatives, by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 744. Investigations; fish propagation; investigations of damages by predacious fishes; executive assistance

The Secretary of the Interior or the Secretary of Commerce, as appropriate, shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress. He is authorized and directed to conduct investigations and experiments for the purpose of ameliorating the damage wrought to the fisheries by dogfish and other predacious fishes and aquatic animals. Said investigations and experiments shall be such as to develop the best and cheapest means of taking such fishes and aquatic animals, of utilizing them for economic purposes, especially for food, and to encourage the establishment of fisheries and markets for them.

The heads of the several executive departments shall cause to be rendered all necessary and practicable aid to the Secretary in the prosecution of his investigations and inquiries.

(R.S. §§ 4396, 4397; Mar. 3, 1887, ch. 362, 24 Stat. 523; June 21, 1916, ch. 160, §§ 1, 2, 39 Stat. 232; 1939 Reorg. Plan No. II, § 4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 62 Stat. 1262; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 96-470, title I, § 101(c), Oct. 19, 1980, 94 Stat. 2237.)

CODIFICATION

R.S. § 4396 derived from Res. Feb. 9, 1871, No. 22, § 2, 16 Stat. 594.

R.S. § 4397 derived from Res. Feb. 9, 1871, No. 22, § 3, 16 Stat. 594.

AMENDMENTS

1980—Pub. L. 96-470 struck out provision requiring a detailed statement of expenditures under all appropriations for "propagation of fishes" be submitted annually to Congress at the beginning of each session.

TRANSFER OF FUNCTIONS

Secretary of the Interior or Secretary of Commerce, as appropriate, and Secretary substituted for Director of Fish and Wildlife Service and Director in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the In-